

MINUTES OF WAGONER COUNTY COMMISSION MEETING

Monday, April 4th , 2011

The Board of Wagoner County Commissioners met with James Hanning, Chairman; Tim Kelley, Vice-Chairman; Chris Edwards, member; Carolyn Kusler, County Clerk; and Char Dubree, Secretary. Also in attendance was Assistant District Attorney John David Luton. Advance notice of the meeting was posted on bulletin boards and public entrances of the Wagoner County Courthouse on April 1st , 2011.

Location: Wagoner County Courthouse
County Commissioner's Meeting Room

- I. The meeting was called to order by Chairman Hanning at 9:00am.
- II. Roll Call – All members present.
- III. The prayer was led by Commissioner Edwards. The pledge of allegiance was led by Commissioner Hanning.
- IV. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve minutes of the Commission meeting held March 28th, 2011 with change of the word “Port” to “Porter” on page 4. With all members present, all voted aye. Motion carried.
- V. Financial Matters
 - A. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve deposits. With all members present, all voted aye. Motion carried.
 - B. As no appropriations were completed, no action was taken.
- VI. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to receive reports as follows:
 - A. Planning and Zoning
 - B. Engineer
 - C. 911 – No report
 - D. Sheriff – Not completed
 - E. Treasurer – No report
 - F. Health DepartmentWith all members present, all voted aye. Motion carried.

- VII. Motion by Commissioner Hanning and seconded by Commissioner Kelley to forward to the District Attorney's office: Case No. CJ-2009-1227, Claim No: GCGL058669, Southwestern Bell Telephone Co. v. Wagoner County. With all members present, all voted aye. Motion carried.
- VIII. Action Items
- A. The board discussed Labor Waiver Agreements and took action as follows:
1. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to approve dumping dirt off County right-of-way at 39232 E. 231st Street South, Porter, Oklahoma as well as numbers (VIII A-2) and (VIII A-3) on this agenda. With all members present, all voted aye. Motion Carried.
 2. Labor Waiver to Clean fence row off County right-of-way at 25183 E. 760 Road. - Single motion made in conjunction with item VIII A-1.
 3. Labor Waiver to Clean out ditch and dump debris off County right-of-way at 35620 E. at 142nd Street South. - Single motion made in conjunction with item VIII A-1.
 4. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve Labor Waiver Agreement to explore storm drain related to CJ2010-212 for Block 2 Lot 26 of the Renaissance Park II Subdivision. With all members present, all voted aye, Motion carried.
 5. A Motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table the Labor Waiver Agreement to explore storm drain related to CJ2010-212 for Block 2 lot 27 of the Renaissance Park II Subdivision as well as number (VIII A-6) on this agenda due to insufficient documentation. With all members present, all voted aye. Motion Carried.
 6. Labor Waiver Agreement to explore storm drain related to CJ2010-212 for Block 2 lot 29 of the Renaissance Park II Subdivision. - Single motion made in conjunction with item VIII A-5.
 7. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table action regarding Renaissance Park Subdivision inspection sites to verify cause of sink holes. With all members present, all voted aye. Motion Carried.

- B. The board received a donation of \$10,000 for District #1 from Rural Water #4 for road improvements.
- C. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to approve Resolution 2011-024 to surplus equipment from District #3 with the correction of the color from White to Gray.
 - 1. 1997 Ford F-150 Pick-up Truck SN #1FTRX18L4XNC14512With all members present, all voted aye. Motion Carried.
- D. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve Circuit Engineering District Auction policies. With all members present, all voted aye. Motion Carried.
- E. A motion was made by Commissioner Edwards to approve request of the Excise Board to transfer of \$6500.00 from (C-37) Economic Development to (C-42) Commissioners Use Tax to fund Juvenile Drug Court through the end of this fiscal year. Motion died without a second. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table until he has an opportunity to visit with Charlie Burns regarding spending and the details of the grant under which he currently operates. With all members present, all voted aye. Motion Carried.
- F. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve Utility Permit #2011-1005 from AT&T. With all members present, all voted aye. Motion Carried.
- G. A motion was made by Commissioner Edwards and seconded by Commissioner Hanning to approve the Proclamation declaring April Sexual Assault Prevention Awareness Month and Child Abuse Prevention Awareness Month. With all members present, all voted aye. Motion Carried.
- H. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table action regarding submitted designs for a new county seal for further review. With all members present, all voted aye. Motion Carried. An additional motion was made by Commissioner Edwards and seconded by Hanning to investigate an opportunity to bring the artists who created the top designs from each school together to form one design. With all members present, all voted aye. Motion Carried.

- I. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table action regarding a petition by Sundance Farms subdivision to be accepted in the County Road Inventory. With all members present, all voted aye. Motion Carried.
 - J. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table possible action regarding applications submitted for the position of Wagoner County Emergency Management Director, for time to review the applications. With all members present, all voted aye. Motion Carried.
- IX. Old Business.
- A. At the request of Larry Wilkinson, a motion was made by Commissioner Hanning and seconded by Commissioner Edwards to take no action regarding replacement of the front door of the front doors to the Election Board Office. With all members present, all voted aye. Motion Carried.
 - B. The board discussed proposals for the creation of new fire districts to provide fire protection in anticipation of the change in fire line for the city of Coweta. There will be a public meeting, coordinated by the citizens affected, at the Coweta High School on Thursday, April 7th at 7pm. Commissioner Hanning indicated that he met last week with Mr. Whitlock from the City of Coweta. They are supportive but are limited in what they can do, however he did indicate that they will participate in mutual aid to responding fire departments.
- Larry Miller addressed the board and indicated there is another proposal being presented by another group as a long term solution. Commissioner Edwards explained how that proposal would work, utilizing Capital Outlay funds rather than waiting for a grant. Commissioner Edwards presented a proposal, on behalf of his constituents, setting aside one million (\$1,000,000) dollars, and taking a portion thereof in the amount of \$150,000–\$200,000 each to build two fire stations, then rent these facilities to the City of Coweta for \$150,000 per year, making the pay off seven years. The remaining \$475,000 of the initial investment would be spent on trucks and equipment. He further indicated that the funding the City of Coweta receives through the county wide fire sales tax, combined with a voluntary rural water district fee, would fund a staff of 12 firefighters. Commissioner Hanning expressed concern that utilizing

Capital Outlay funds would short the county from July through October when tax revenues begin to come in, and Carolyn Kusler confirmed the affect on the general fund. Commissioner Kelley expressed concern with this plan indicating that the purpose of the Capital Outlay fund is for emergencies and he would have a problem with having \$1 million committed to a building project for seven years should the county experience a disaster such as a tornado or earthquake. Commissioner Hanning expressed concern with the sustainability of this plan under a voluntary participation scenario. Commissioner Hanning and Commissioner Kelley indicated that the number of water taps within the area is approximately 3500, rather than the 10,000 indicated. Commissioner Hanning explained that the county cannot commit to any contractual agreement for longer than one year at a time leaving the City of Coweta the option to not renew the agreement and jeopardizing repayment of the initial investment. He said that ultimately it is the citizens that must decide which plan to move forward with. The citizens expressed a desire to have more than one option and several want Coweta Fire Department to be their primary responder. Commissioner Hanning said that the citizens need to have as much financial data as possible regarding how the proposal will be sustained when they present at the meeting on Thursday. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to post a Special Meeting to enable all three Commissioners to participate in the meeting on Thursday. With all members present, all voted aye. Motion Carried.

- C. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table possible action on a temporary location for the Rolling Hills Fire Department until the District Attorney can review funding mechanisms. With all members present, all voted aye. Motion Carried.
- D. A motion was made by commissioner Kelley and seconded by Commissioner Edwards to table action on a lease agreement between Wagoner County and Rolling Hills Community Center, Inc. With all members present, all voted aye. Motion Carried.
- E. A motion was made by Commissioner Kelley and seconded by Commissioner Hanning to table action regarding healthcare benefits

continuation while on disability until the District Attorney confers with ACCO. With all members present, all voted aye. Motion Carried.

F. A motion was made by Commissioner Hanning and seconded by Commissioner Kelley to table action on the creation of a cemetery on the Wade property until a review of the appropriate documentation could be made by the District Attorney's office. With all members present, all voted aye. Motion Carried. A second motion was made later in the meeting by Commissioner Hanning and seconded by Commissioner Kelley to sign petition and approve for publication for two weeks per statute as Assistant District Attorney John David Luton indicated all documents were in order. With all members present, all voted aye. Motion Carried.

X. A motion was made by Commissioner Kelley and seconded by Commissioner Edwards to convene into Executive Session pursuant Title 25, O.S. §307(B)4 at 12:00pm for discussion with the district attorney regarding pending action or claim against the county to discuss the following:

A. CV2011-28 Asher et al vs. Board of County Commissioners.

B. CJ-2010-212 31st LLC vs. Board of County Commissioners.

With all members present, all voted aye. Motion Carried.

XI. The board reconvened into open session at 2:33P.M.

XII. Action was taken regarding the following:

A. A motion was made by Commissioner Hanning to table any action on CV2011-28 Asher et al vs Board of County Commissioners. The motion died due to lack of second. A motion was made by Commissioner Kelly and seconded by Commissioner Edwards to have John David Luton, Assistant District Attorney to talk to talk to INCOG and to the Attorney General to get their opinion. With all members present, all voted aye. Motion Carried.

B. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to table any action on CJ-2010-212 31st LLC vs Board of County Commissioners, to allow the County Engineer to investigate and develop a plan of action to excavate around sink hole on Lot 28, and then restore property. County Engineer will get 31st LLC's

approval, along with the necessary labor waivers and report back to the Board of County Commissioners next week. With all members present, all voted aye. Motion Carried.

XIII. There was no New Business in accordance with 25 O.S. § 311 A.

XIV. Announcements.

A. Commissioner Kelley announced the ground breaking for the Stone Bluff Senior Center is scheduled for 10:00 A.M. on April 29th, 2011.

XV. There was no Public Comment.

XVI. Purchase Orders

A. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve cancellation of purchase orders. With all members present, all voted aye. Motion Carried.

B. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve blanket purchase orders: #5685, #5686, #5726 and #5727. With all members present, all voted aye. Motion Carried.

C. A motion was made by Commissioner Hanning and seconded by Commissioner Edwards to approve Calendar Claims. With all members present, all voted aye. Motion Carried.

XVII. A Motion by Commissioner Hanning to recess the meeting at 3:30 P.M. and Seconded by Commissioner Edwards. With all members present, all voted aye. Motion carried.

Presented and approved by the Wagoner County Commission on this 11th day of April, 2011.

JAMES HANNING, CHAIRMAN

TIM KELLEY, VICE-CHAIRMAN

CHRIS EDWARDS, MEMBER

ATTEST CAROLYN KUSLER
WAGONER COUNTY CLERK

By: